

REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 stand rejected.

Claims 4 and 13 stand objected to.

Claims 4 and 13 have been cancelled.

Claims 1, 5-12 and 14-24 have been amended.

Objections to the Claims

Claims 4 and 13 have been objected to due to alleged informalities. As indicated above, Applicants have cancelled Claims 4 and 13. Applicants therefore respectfully submit that these objections are rendered moot.

Rejection of Claims under 35 U.S.C. §112

Claims 20-24 are rejected under 35 U.S.C. 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that “it is not clear how a series of ‘elements’... constitutes a system.” Office Action, p.3. Applicants have amended Claims 20-24 to clarify the relationship between the limitations of the recited claim elements and the claimed system. For at least these reasons, Applicants respectfully submit that Claims 20-24 are allowable over 35 U.S.C. § 112, second paragraph. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and a notice of the allowability of same.

Rejection of Claims under 35 U.S.C. §102

Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0229529 A1 naming Mui et al. (“*Mui*”). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to amend the independent claims and respectfully traverse the rejection. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, “[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that, particularly in light of the amendments made herein, this burden cannot be met by *Mui*.

Claim 19, as amended, now recites:

A system, comprising:

- a central processing unit (CPU);
- a memory, coupled to the CPU, the memory further comprising
 - a data structure for managing employee data, wherein
- the data structure comprises a list of employee position elements, stored in a second intermediate form, for defining a hierarchy of data elements, the hierarchy of data elements comprises a plurality of employee position elements, wherein
 - the second intermediate form comprises a list of employee position elements for defining a hierarchy of data elements,
 - the hierarchy of data elements comprises a plurality of employee position elements, and
 - the plurality of employee position elements comprises a related parent position element;
- instructions, stored in the memory, for converting the employee position management information in the first form into employee position management information that is in the second intermediate form; and

instructions, stored in the memory, for converting the employee position management information in the second intermediate form into employee position management information in a target form that corresponds to a target computerized employee position management system.

Claim 19 (amended). To the extent that the Office Action's arguments may be applied against the amended claims, Applicants respectfully submit that the present Office Action does not articulate a *prima facie* case of anticipation by *Mui*, because the Office Action does not allege the presence in *Mui* of certain recited elements of Applicants' amended claim 19.

Specifically, amended Claim 19 now recites, "instructions, stored in the memory, for converting the employee position management information in the second intermediate form into employee position management information in a target form that corresponds to a target computerized employee position management system." This amendment provides specific functional matter for performing the function of "converting the employee position management information in the second intermediate form into employee position management information in a target form that corresponds to a target computerized employee position management system." The Office Action admits that *Mui* teaches no such limitation. The Office Action cites instead to *Peterson* (cited in full below), for the teaching of this limitation. *See* Office Action, p.7. For at least this reason, Applicants respectfully submit that Claim 19 is not anticipated by *Mui*.

Applicants further respectfully submit that arguments provided, below, with respect to the patentability of independent Claim 1 over the combination of *Mui* and *Peterson* (and *Kurzius* (cited in full below)) apply with equal force to the patentability of the limitations now recited by Claim 19. For at least this reason, Applicants respectfully submit that independent amended Claim 19 is patentable over the combination of *Mui* and *Peterson* (and *Kurzius*). Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejection of

Claim 19 as being anticipated by *Mui* and request a notice of the allowability of Claim 19 and all Claims depending therefrom.

Rejection of Claims under 35 U.S.C. §103

Claims 1-3 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mui* in view of Peterson, U.S. Patent No. 7,099,350 (“*Peterson*”). Claims 4-9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mui* in view of *Peterson* and in further view of *Kurzius* et al., U.S. Patent No. 6,385,620 (“*Kurzius*”). Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mui* in view of *Kurzius*.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants respectfully submit that the present Office Action does not articulate a *prima facie* case of obviousness over the alleged combination of *Peterson* with *Mui* (or with *Kurzius*), because the purported combination does not teach or suggest all of the recited limitations of independent amended Claims 1 and 10, which are rejected under similar reasoning. Amended Claim 1, for example, now recites:

A method in a computing system, the method comprising:
managing employee data, wherein
the managing comprises
extracting, using the computing system, employee position management
information in a first form that is associated with a first source
computerized employee position management system;
converting, using the computing system, the employee position
management information in the first form into employee position
management information that is in a second intermediate form,
wherein
the second intermediate form comprises a list of employee
position elements for defining a hierarchy of data
elements,
the hierarchy of data elements comprises a plurality of
employee position elements, and
the plurality of employee position elements comprises a related
parent position element; and
converting, using the computing system, the employee position
management information in the second intermediate form into
employee position management information in a target form that
corresponds to a target computerized employee position
management system.

Claim 1 (amended). Specifically, Applicants respectfully submit that the combination of *Mui* with *Peterson* does not teach or suggest at least “the plurality of employee position elements includes a related parent position element” limitation. For at least this reason, the combination of *Mui* with *Peterson* fails to teach or suggest all of the claim limitations recited in amended Claims 1 and 10.

The amended limitation that “the plurality of employee position elements includes a related parent position element” has been incorporated into amended independent Claim 1 from a previous version of dependent Claim 5. The Office Action admits that the combination of *Mui* and *Peterson* fails to disclose a plurality of employee position elements comprising the elements listed in the previous version of Claim 5. To remedy this deficiency of *Mui* and *Peterson*, the Office Action cites to sections of *Kurzius* for purported teaching of the listed elements of Claim

5, including a recited parent position element limitation. See Office Action, p.13 (citing *Kurzius*, Col. 11, ll 12-15, Col. 18, ll 54-67 and Col. 20, ll 41-48). Applicants respectfully submit that the cited sections merely disclose the purported attributes of a candidate rather than those of a position or an organization. Such candidate attributes fail to provide teaching or suggestion the claimed “related parent position element” limitation. This is because a parent position element requires a relationship between the position other positions within a hierarchy, which one skilled in the art would not logically expect to see (and which is certainly not taught or suggested) in a job listing disclosed by the cited sections of *Kurzius*.

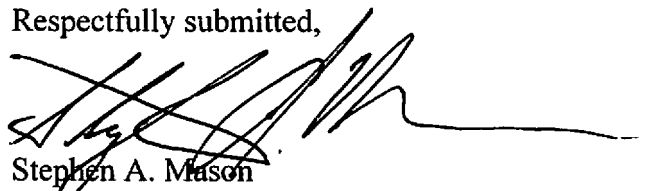
For at least this reason, Applicants respectfully submit that the combination of *Peterson*, *Mui* and *Kurzius* fails to provide disclosure of all the limitations of independent Claims 1 and 10, as amended, and all claims depending therefrom, and that these claims are in condition for allowance. Similarly, as discussed above, independent Claim 19 has been amended to incorporate similar limitations to those discussed with respect to Claims 1 and 10. For the reasons discussed herein, Applicants submit that independent Claim 19, as amended, and all claims depending therefrom are in condition for allowance. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen A. Mason', is written over the typed name and extends to the right with a long horizontal stroke.

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